

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO: 5:00-CR-00088-BR

UNITED STATES OF AMERICA

v.

ANTHONY DION CAMPBELL

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ORDER

This matter is before the court on defendant's *pro se* "emergency" motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c) based on Amendment 750 to the U.S. Sentencing Guidelines Manual and the decision in Freeman v. United States, 131 S. Ct. 2685 (2011). Amendment 750, which revised the offense levels for certain cocaine base offenses, has no effect on defendant's guideline range because that range was determined by his career offender designation, not the amount of cocaine base attributable to him. Therefore, defendant is ineligible for a sentence reduction. See United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010) (holding that a district court lacks authority to reduce a sentence under Amendment 706, which revised offense levels for cocaine base offenses, if the defendant was deemed a career offender). Freeman does not alter this conclusion. See United States v. Harris, 688 F.3d 950, 953-55 (8<sup>th</sup> Cir. 2012) (holding that Freeman does not alter prior precedent that a defendant sentenced as a career offender is not eligible for a sentence reduction based on cocaine base guideline amendments). Defendant's motion is DENIED.

This 29 November 2012.



W. Earl Britt  
Senior U.S. District Judge